



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/431,703	11/01/1999	STEVEN W. BROWN	APPL-P2822	9101

7590 01/12/2004

JONATHAN VELASCO
SIERRA PATENT GROUP LTD
P O BOX 6149
STATELINE, NV 89449

EXAMINER

PARK, ILWOO

ART UNIT	PAPER NUMBER
----------	--------------

2182

DATE MAILED: 01/12/2004

12

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/431,703

Applicant(s)

BROWN, STEVEN W.

Examiner

Ilwoo Park

Art Unit

2182

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 10-31 are presented for examination.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 10-13, 15-17, 21-24, and 26-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Shima et al., US patent No. 6,446,142.

As to claims 10 and 21, Shima et al teach a method for providing a transaction layer [fig. 1] for a module having at least one node connected to a serial bus that configures a link device for each of said at least one nodes comprising:

detecting [col. 3, lines 13-20 and col. 3, lines 34-40] a link driver;

Art Unit: 2182

receiving [col. 3, lines 13-20; col. 3, lines 38-40; col. 3, lines 61-63] capabilities
[col. 3, lines 13-20; col. 5, lines 27-30] of said link driver;

generating [col. 3, lines 41-42; col. 4, lines 1-31] a link driver configuration
[object] for said link driver from said capabilities of said driver; and

loading [col. 3, lines 22-37; col. 4, lines 1-31; col. 5, lines 41-47] said link driver
configuration into said link driver.

4. As to claims 11 and 22, Shima et al teach querying [col. 6, lines 21-25] said link
driver for said capabilities.

5. As to claims 12 and 23, Shima et al teach receiving said capabilities of said link
driver from said link driver [col. 4, lines 7-9; col. 4, lines 21-23].

6. As to claims 13 and 24, Shima et al teach storing said capabilities of said link
driver [col. 4, lines 18-19].

7. As to claims 15 and 26, Shima et al teach receiving configuration information for
said link driver [col. 4, lines 7-9; col. 4, lines 21-23].

8. As to claims 16 and 27, Shima et al teach generating said link driver
configuration from [col. 4, lines 7-9; col. 4, lines 21-23] said capabilities and said
configuration information.

9. As to claims 17 and 28, Shima et al teach storing said configuration data [col. 4,
lines 18-19].

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 14, 18, 25, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shima et al., US patent No. 6,446,142.

As to claims 14 and 25, Shima et al teach generating a node in a list for said link driver and storing said capabilities of said link driver in a data field of said node. Shima et al do not show the list is in a form of linked list. However, Shima et al teach a linked list form [P1394 standard draft 8.0v2 in col. 1, lines 15-20 disclosing a configuration ROM storing entries for node capabilities within a root directory providing a pointer to another directory which has same structure as the root directory].

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have a form of linked list for storing said capabilities for easiness of managing a node by a pointer [col. 6, lines 15-20].

12. Claims 19, 20, 30, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shima et al. as applied to claims 10 and 21 above, and further in view of Levy et al., US patent No. 6,212,633.

As to claims 19, 20, 30, and 31, Shima et al. do not disclose receiving an input of user defined configuration data for a link driver.

Levy et al teach a method for configuring a link device of a P1394 serial bus based on capabilities [col. 9, lines 10-26] of a link driver and an input of user defined configuration data received [col. 10, lines 43-55].

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Shima et al and Levy et al because they both teach configuring a link device of a P1394 serial bus based on capabilities and Levy et al's teaching of receiving an input of user defined configuration data for a link driver would increase flexibility/user friendliness in dynamically configuring a link device of Shima et al.

Response to Arguments

13. Applicant's arguments filed 10/10/2003 have been fully considered but they are not persuasive.

A) For a point that Shima does at least not suggest detecting a link driver:

Without citing of Applicant Admitted Prior Art describing, "During initialization (startup) of a module, certain hardware devices of the module are checked and appropriate drivers are loaded as is known in the art." in page 2, lines 13-14 of the Specification and further citing of prior art, each link driver is loaded in order to communicate with an associated device in accordance with the IEEE 1394-1995 standard. For example, as seen in Shima, in order to communicate [col. 3, lines 13-22; col. 3, lines 38-40] with the new device [col. 3, lines 13-22], an appropriate driver of the device should be searched, found, or detected and loaded.

B) For a point that Shima does not suggest receiving capabilities of the link driver:

Art Unit: 2182

According to the IEEE 1394-1995 standard, capabilities are stored in the configuration ROM in a device. Shima teaches firstly, receiving capabilities of the link driver associated with the device by the link driver accessing the configuration ROM of the device in order to generate [col. 3, lines 38-42] an object representing [col. 3, lines 15-16; col. 5, lines 27-30] the capabilities of the device, secondly, receiving capabilities [objects from a library for reconfiguring object: col. 3, lines 13-20] of the link driver associated with the device having resident subunits, and thirdly, receiving capabilities [retrieved subobjects: col. 3, lines 58-61] of the link driver associated with the device having resident subunits.

C) For a point that Shima does not suggest generating a link driver configuration for the link driver from the capabilities received:

Shima teaches firstly, generating [col. 3, lines 38-42] a link driver configuration [object representing capabilities of the device: col. 3, lines 15-16] for the link driver from the capabilities received and secondly, generating [col. 4, lines 1-10] a link driver configuration [object assembled from retrieved subobjects representing capabilities of resident subunits] for the link driver from the capabilities received.

D) For a point that Shima does not suggest loading link driver configuration into the link driver:

The link driver configuration should be loaded into the link driver to reflect or reconfigure the bus changes or updates [col. 3, lines 22-37; col. 5, lines 41-47] so that the link driver is able to access the device with the capabilities determined [col. 4, lines 1-10].

Art Unit: 2182

Conclusion

14. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ilwoo Park whose telephone number is (703) 308-7811. The examiner can normally be reached on Monday through Friday from 9:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A Gaffin can be reached on (703) 308-3301. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Art Unit: 2182

Hand-delivered responses should be brought to US Patent and Trademark
Office, 2011 South Clark Place, Customer Window, Crystal Plaza Two, Lobby, Room
1B03, Arlington, VA 22202.


Ilwoo Park

Primary Examiner

January 8, 2004